

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/954,509

Applicant: Ohmshehe, et al.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request review of the final rejection, dated May 18, 2006, in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. An appeal brief has not yet been filed. This Pre-Appeal Brief Request For Review is submitted for the reason(s) stated on the attached sheets.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
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Name (Print/Type)	Jacquelyn Hurd		
Signature		Date	November 16, 2006

Applicants traverse the final rejection of the pending claims. In an effort to minimize the issues addressed during this review, Applicants have focused upon independent claims 1 and 17 due to clear errors in the Final Office Action regarding these claims. Applicants request pre-appeal brief review of the final rejection because the Redding et al. U.S. Patent 6,968,384 (the Redding '384 patent) neither discloses nor suggests Applicants' recited *plant information portal server*.

Applicants' Claimed Invention (Representative Claim 1 with emphasis added)

1. A method for administering a session-based concurrent user licensing agreement on a manufacturing/process control information portal such that a single logon during a session persists across multiple distinct resources to which access is provided via *a plant information portal server*, the method comprising the steps:

receiving, by *the plant information portal server*, an access request for a resource for which a license is required;

invoking, based upon a code within a sequence of commands associated with the requested resource, a license manager associated with restricted resources associated with *the plant information portal server*, the license manager performing, for the purpose of granting, if needed, one of potentially multiple available session-based concurrent licenses, a set of further steps including:

first confirming that an identified source associated with the request needs a concurrent license;

second confirming that a concurrent license is available to assign to the identified source; and

adding the identified source to a list of session-based concurrent license users to which a session-based concurrent license is assigned.

Applicants' Brief Remarks

Applicants' currently pending claim 1 (reproduced above) is directed to a method for administering a multi-user license in a manufacturing/process control information environment wherein a set of distinct resources are initially accessed via a portal server. The claimed method is implemented by a plant information portal server and license manager. The plant information portal server provides initial access to multiple distinct resources. The license manager administers limited access to the multiple distinct resources through the use of session-based concurrent licenses.

According to the recited steps of claim 1, the license manager is invoked based upon a code within a sequence of commands (e.g., a script) associated with a requested one of multiple resources accessed via the plant information portal server. Thereafter, the license manager confirms that the source of the requested resource needs one of the concurrent

licenses. An additional license is not provided if a license is already assigned to the identified source's session. The license manager also performs a step of confirming the availability of one of the multiple user licenses. Finally, as part of the license assignment process, the license manager adds the identified source to a list of concurrently licensed user sessions. Independent claim 17 is directed to computer-readable media including computer executable instructions for carrying out the steps recited in claim 1.

The Redding '384 patent does not disclose all elements of Independent Claims 1 and 17

Applicants respectfully submit that the Redding '384 patent does not disclose or even remotely suggest at least the recited "plant information portal server" that provides access to manufacturing/process control information resources.

Referring to the elements of the preamble and "receiving" step, the Redding '384 patent neither discloses nor even remotely suggests a "plant information portal server." The plant information portal server is described by Applicants in their Background and written description of FIG. 1. In the illustrative example, the plant information portal server provides access to manufacturing/process control information through, for example, a data access server (providing live/streaming access to process control equipment in a plant) and a database server (containing archived manufacturing/process control information).

In contrast to Applicants' claimed plant information portal server, the Redding '384 patent discloses/suggests administering multi-user access to vendor software applications. There is no disclosure of plant information anywhere in the Redding '384 patent. In contrast Applicants' recited plant information comprises, for example, real time process control/status information. As noted previously with regard to the previously cited Glassman reference, the vendor software accessed in Redding is relatively static in nature and therefore neither discloses nor suggests its applicability to the presently claimed invention wherein the accessed plant information is dynamic by nature and not likely to be maintained as a "library" of stored content (as is the case with software applications maintained by a server).

Moreover, the Redding '384 patent does not disclose a "portal" or "portal server." The claimed invention is directed to "administering a session-based concurrent user licensing agreement on a manufacturing/process control information portal." In addition to the general understanding in the art of portal functionality provided by such well known sites as "Yahoo", "MSN", etc., Applicants also describe general traits of a portal site/server at

paragraphs 8 and 9 of their published application US 2002/0069172 A1. A "portal server" is neither mentioned nor described anywhere in the Redding patent. If the presently pending rejection is not withdrawn.

Applicants have focused upon independent claims 1 and 17 in this request for review. However, several elements recited in the dependent claims are also not disclosed in the Redding patent.

Conclusion

The cited Redding patent neither discloses nor suggests elements recited in Applicants' presently pending independent claims. In particular, Redding does not disclose at least a plant information portal server. For at least this reasons, withdrawal of the final rejection is requested.

Respectfully submitted,



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